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OFFICE OF PETITIONS

In re Application of :
Fuhrmann, et al. :
Application No. 10/666,429 : **ON PETITION**
Filed: September 19, 2003 :
Title: EMERGENCY EVACUATION SYSTEM :
FOR HIGH-RISE BUILDINGS :

This is a decision on the "PETITION REQUESTING ACCEPTANCE OF APPARENT BUT NOT ACTUAL LATE PAYMENT OF ISSUE FEES", filed February 11, 2006, which is being treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance mailed November 10, 2005. This notice set a statutory period for reply of three (3) months. The issue fee was filed on February 13, 2006, bearing a Certificate of Mailing under 37 CFR §1.8 dated February 11, 2006. However, the last day the issue fee could have been dated pursuant to §1.8 to be considered timely filed would have been February 10, 2006. Accordingly, the above-identified application became abandoned on February 11, 2006. The mailing of this decision precedes the mailing of a courtesy Notice of Abandonment.

Petitioner argues that the Certificate of Mailing was inadvertently dated February 11, 2006, even though it was deposited pursuant to §1.8 on February 10, 2006. Therefore, according to petitioner, the issue fee should be treated as having been timely filed. Petitioner's argument has been considered, but is not persuasive. 37 CFR §1.8(a)(ii) sets forth that one of the requirements is that the correspondence must state the date of deposit or transmission.

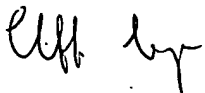
Petitioner is not precluded from obtaining relief by filing a petition pursuant to 37 CFR §1.137(b) on the basis of unintentional delay. A grantable petition pursuant to 37 CFR §1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37 CFR §1.17(m), currently \$1500 (\$750 for a small entity); and (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
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Office of Petitions